

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RONALD J. PLASTER,	:	CIVIL ACTION NO. 3:CV-06-1655
	:	
Plaintiff	:	(Judge Munley)
	:	
v.	:	(Magistrate Judge Blewitt)
	:	
DANIEL KNEAL, et al.,	:	
	:	
Defendants	:	

SUPPLEMENT TO REPORT AND RECOMMENDATION

I. Background.

On June 8, 2007, Plaintiff, Ronald Plaster, an inmate at the State Correctional Institution at Frackville, in this § 1983 civil rights action, filed a Motion for a “Vido (sic) Conference and Protection Order from Physical Abuse by Correctional Personnel and Retaliation as well as Uncontrollable Matters.” (**Doc. 79**). Plaintiff is proceeding on his Eighth Amendment claims of denial of proper medical care for his left knee condition as against the five (5) remaining Defendants, Kneal, Malewski, Dr. Sterling, PA Slivak and PA Ellesworth. (Doc. 23).

On June 20, 2007, we issued a Report and Recommendation in which recommend that Plaintiff’s Motion for a Video Conference and for a Protection from Abuse Order be denied. (Doc. 86). After the Report and Recommendation was signed and e-mailed to the Clerk of Court for docketing, and before it was docketed, on June 20, 2007, the Medical Defendants, Defendants Sterling, Ellesworth, and Slivka, filed their Brief in opposition to Plaintiff’s stated Motion. (Doc. 85). We therefore add this brief supplement to our June 20, 2007 Report and Recommendation to address the Medical Defendants’ Brief.

II. Discussion.

Since we have detailed the procedural history of this case in our June 20 Report and Recommendation, we shall not repeat it herein.

Medical Defendants correctly state that they filed responses to Plaintiff's discovery requests, and they show that they did so by attaching as Ex. B to their Brief a copy of their responses. (Doc. 85, Ex. B). Medical Defendants also correctly state that following our Order of May 8, 2007, on May 9, 2007, they filed a response indicating that the only documents they had was Plaintiff's grievance file, and they sent Plaintiff a copy of it. (*Id.*, Ex. A).¹ Medical Defendants state that, since they are not alleged to have played any role in the assault claimed by Plaintiff in his Injunction Motion (Doc. 79), on May 31, 2007 by CO Woods or with the misconduct report issued against Plaintiff, there is no need for a video conference which includes them. (Doc. 85, p. 2). We agree with Medical Defendants. We also note that Medical Defendants are not alleged to have been involved with the Plaintiff's claim that another false misconduct report was issued against him on June 8, 2007. Further, we agree with Medical Defendants that they have shown their compliance with this Court's May 8, 2007 Order.

Thus, we agree with Medical Defendants that there is no reason for their participation in any video conference with the Court which Plaintiff is seeking. (*Id.*, p. 3). Nor does Plaintiff state any

¹On May 8, 2007, we issued an Order (Doc. 65) denying Defendants' Motion for a Stay of Discovery (Doc. 59), and denying Plaintiff's Motion for Default Judgment (Doc. 61). Further, Plaintiff's alternative Motion to Compel Discovery (Doc. 61) was granted in part and denied in part. Defendants were directed to respond to Plaintiff's Discovery Requests stated in the Order within ten (10) days of the date of the Order.

other basis to have an injunction order issued against the Medical Defendants.

Therefore, we will recommend that Plaintiff's Motion for a Video Conference and for a Protection from Abuse Order be denied as to the Medical Defendants.

III. Recommendation.

Based on the foregoing, we respectfully recommend that Plaintiff's Motion for a Video Conference and for a Protection from Abuse Order be denied as to the Medical Defendants. (Doc. 79).

s/ Thomas M. Blewitt
THOMAS M. BLEWITT
United States Magistrate Judge

Dated: June 25, 2007

IN THE UNITED STATES DISTRICT COURT
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RONALD J. PLASTER,	:	CIVIL ACTION NO. 3:CV-06-1655
	:	
Plaintiff	:	(Judge Munley)
	:	
v.	:	(Magistrate Judge Blewitt)
	:	
DANIEL KNEAL, et al.,	:	
	:	
Defendants	:	

NOTICE

NOTICE IS HEREBY GIVEN that the undersigned has entered the foregoing
Report and Recommendation dated **June 25, 2007**.

Any party may obtain a review of the Report and Recommendation pursuant to
Rule 72.3, which provides:

Any party may object to a magistrate judge's proposed findings, recommendations or report addressing a motion or matter described in 28 U.S.C. § 636 (b)(1)(B) or making a recommendation for the disposition of a prisoner case or a habeas corpus petition within ten (10) days after being served with a copy thereof. Such party shall file with the clerk of court, and serve on the magistrate judge and all parties, written objections which shall specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for such objections. The briefing requirements set forth in Local Rule 72.2 shall apply. A judge shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made and may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge, however, need conduct a new hearing only in his or her discretion or where required by law, and may consider the record developed before the

magistrate judge, making his or her own determination on the basis of that record. The judge may also receive further evidence, recall witnesses or recommit the matter to the magistrate judge with instructions.

s/ Thomas M. Blewitt
THOMAS M. BLEWITT
United States Magistrate Judge

Dated: June 25, 2007